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SENATE

{ REPORT
106-133

NYE COUNTY, NEVADA

AUGUST 3, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1329]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1329) to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 3, line 7, change “(b)” to “(c)”.

PURPOSE OF THE MEASURE

The purpose of S. 1329 is to authorize Nye County, Nevada to acquire approximately 800 acres of public land for the construction and operation of the Nevada Science and Technology Center and the Amargosa Valley Science and Technology Park.

BACKGROUND AND NEED

S. 1329 authorizes Nye County, Nevada to acquire approximately 800 acres of public land. This conveyance will facilitate the development of both the Nevada Science and Technology Center and the Amargosa Valley Science and Technology Park, part of a larger proposed Nevada Science and Technology Corridor. The lands proposed for conveyance have been identified for disposal by the Bureau of Land Management.

The Nevada Science and Technology Center is a proposed interactive science center and museum, highlighting the environment, industries, and technological developments associated with the region. Due to the non-profit nature of the Science Center, this land, comprising approximately 450 acres, would be conveyed at no cost.

The land will revert to the Federal Government should it be used for purposes other than the Science Center.

The Amargosa Valley Science and Technology Park is a proposed research and development business park of approximately 350 acres designed to support Department of Energy contractors and suppliers associated with the Nevada Test Site. The County would pay fair market value for the 350 acres being added to the business park.

LEGISLATIVE HISTORY

S. 1329 was introduced by Senator Reid on July 1, 1999. The Subcommittee on Forests and Public Land Management held a hearing on S. 1329 on July 13, 1999. At the business meeting on July 28, 1999, the Committee on Energy and Natural Resources ordered S. 1329 favorably reported, with an amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 28, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1329, with an amendment.

COMMITTEE AMENDMENT

The Committee made a technical and clerical amendment in the designation of the third subsection of the bill.

SECTION-BY-SECTION ANALYSIS

Section 1(a) defines the terms used in the bill.

Subsection (b)(1) directs the Secretary of the Interior to convey at no cost parcels of land to Nye County.

Paragraph (2) describes the land to be conveyed.

Paragraph (3) requires the parcels to be used for the construction and operation of the Nevada Science and Technology Center, and if not used for that purpose, the parcels shall be subject to reversion to the United States.

Subsection (c)(1) gives Nye County the right, for a period of 5 years, to purchase certain parcels of public land.

Paragraph (2) describes the land to be conveyed.

Paragraph (3) directs the Secretary to deposit the proceeds from the sales in the special account established under the Southern Nevada Public Land Management Act of 1998, and are available as provided by that Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 1329.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1329, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 28, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1329. These reports had not been received at the time the report on S. 1329 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF LARRY FINFER, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to testify on two bills, S. 1329 Nye County Land Acquisition Act and S. 1330 Mesquite Airport Federal Land Transfer Act. Combined, these bills would convey 8,760 acres out of the public domain and into local government management. While the Bureau supports the general intent of these bills, to provide opportunities for these small Nevada communities to expand, we oppose the legislative conveyance and believe the objectives can be accomplished within existing administrative authorities.

The BLM has not received any requests from Nye County or the City of Mesquite to discuss administrative solutions or options to provide land for the proposed uses and facilities. The information on which our testimony is based comes only from our reading of the recently introduced legislation and newspaper reports.

BLM has several options available to support community expansion. Some of the conveyance options available to BLM in lieu of the proposed legislation include land sales, exchanges, airport leases, and the Recreation and Public Purposes Act (R&PP). The R&PP Act authorizes the sale or lease of public lands for specified recreational or public purposes to eligible State and local governments. Situations where the R&PP Act can be applied include proposed campgrounds, schools, fire stations, landfills, parks and other similar county and community facilities. Another option, an airport lease, could be pursued for the Mesquite airport corridor with the proper application submission. Under this scenario, Mesquite would pay 50% of the fair

market value for the land. This is consistent with current airport lease applications at the Henderson Executive and Jean Airports, also in Clark County.

S. 1329, the Nye County Land Acquisition Act proposes two separate land actions. It proposes to convey 450 acres of public lands (to the county), at no cost, for a Nevada Science and Technology Center and 350 acres at fair market value for the development of a business park to support Department of Energy contractors and suppliers associated with the Nevada Test Site.

The 450 acres for the Technology Center are identified for disposal under BLM's RMP. We may be able to convey the Technology Center properties to Nye County for 50% of fair market value under the authority of the R&PP Act. We would need additional information about the intended use of the facility to determine if the R&PP Act authorities would apply. This information would include a draft development plan and statement of proposed use for the land.

The 350 acres proposed for the business park have been identified for disposal under BLM's October 1998 Las Vegas Resource Management Plan (RMP) and the Bureau would support sale of this property at fair market value within our existing authorities and guidelines.

This bill provides that all proceeds from the sale of these lands will be deposited in a special account established under the Southern Nevada Public Land Management Act of 1998 (SNPLMA). Under this provision, BLM would not be able to recover administrative costs for processing these disposal actions. The SNPLMA currently allows administrative costs to be funded from the special account, but only within the disposal boundary identified by the SNPLMA. We would recommend amending the bill to allow the BLM to recover administrative costs for the disposal actions in Nye County.

S. 1330, the Mesquite Airport Federal Land Transfer Act provides the City of Mesquite the exclusive right to purchase multiple parcels of public lands for commercial purposes (5,400 acres) and development/expansion of an airport corridor (2,560 acres).

Most of the lands proposed for conveyance under this bill have not been identified for disposal under BLM's October 1998 Las Vegas RMP. The RMP identified only 4 parcels of the 29 identified in this bill as suitable for disposal. The Bureau supports the sale of these 4 parcels identified for disposal at fair market value. However, actions regarding the remaining parcels should await future completion of land use plan decisions.

The BLM has two additional concerns for lands not identified for disposal within the Mesquite area. First, the Federal Aviation Administration has not completed a suitability assessment for the airport site to determine its appropriateness for aviation use. Further, development of the Mesquite parcels could affect endangered fish that inhabit the Virgin River.

This bill also provides that all proceeds from the sale of these lands will be deposited in a special account under the Southern Nevada Public Land Management Act of 1998 (SNPLMA). Under this provision, BLM would not be able to recover administrative costs for processing of these disposal actions. As we previously noted, the SNPLMA currently allows administrative costs to be funded from the special account, but only within the disposal boundary identified by the SNPLMA. We, again, would recommend amending the bill to allow the BLM to recover administrative costs for the disposal actions in the Mesquite area.

Conclusions

The BLM and the Department do not support conveyance of public lands outside of existing authorities. Moreover, these bills create an additional workload for a lands and realty program that has an existing backlog of other land use authorization applications. The preferred approach would be to process these actions using current authorities. We are willing to work with the subcommittee to explore other options that might meet the needs of Nye County and the City of Mesquite.

That concludes my testimony. I would be glad to respond to any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1329 as ordered reported.

